

**Notice of Allowability**

Application No.

10/685,035

Examiner

Lisa Herring

Applicant(s)

STEWART, WILLIAM L.

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to 14 October 2003 and 26 July 2005.
2. ☒ The allowed claim(s) is/are 1,2,4-12 and 18-20.
3. ☒ The drawings filed on 14 October 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date OCT 04 & APR 05
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date N/A.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael Turton on August 18, 2005.

The application has been amended as follows:

Please amend the title as follows: ~~Systems,~~ **Systems and** devices[[,]] and ~~methods~~ for fusing and fracturing fiber optic cables

Please amend the claims as follows:

Claims 3 and 13-17 have been canceled

- 3. (Canceled)
- 13. (Canceled)
- 14. (Canceled)
- 15. (Canceled)
- 16. (Canceled)
- 17. (Canceled)

Claim 7 has been amended as follows:

7. (Currently Amended) The device as set forth in claim 1, wherein the moveable member is comprised of a conductive material ~~and serves as the first electrode.~~

***Reasons for Allowance***

2. The following is an examiner's statement of reasons for allowance: the closest prior art Kasuu et al. (2002/0176673) (FIG. 1) discloses a device for coupling and for fracturing optical fibers, comprising:

a housing (10) capable of receiving a first end and a second end of a optical fiber  
a first electrode (13) moveable (paragraph [0027]) and having a first electrode surface

a second electrode (14) moveable (paragraph [0027]) and having a second electrode surface

the first and second electrodes positioned so that the first and second ends of the first and second optical fibers (A and B), respectively, are located adjacent to each other and between the first and second electrode surfaces of the first and second electrodes;

the first electrode is capable of receiving an electrical signal and passing a current through the first and second ends of the first and second optical fibers;

the current fusing the first and second ends of the first and second optical fibers together to form a single optical fiber.

Kasuu fails to disclose a moveable member, however, it would have been obvious to one skilled in the art to move the electrode carriers (15 and 16) in lieu of the electrodes, thereby forming moveable members. However, Kasuu fails to further disclose a cutting surface positioned such that upon movement of the moveable member, the single fiber is cut to form the first and second optical fibers having the first and second ends. Hattori (Fig. 2A-2C) discloses an apparatus with a cutting surface for

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cleaving the fiber, however, no electrodes or any other energy source is disclosed in combination with a cutting surface. Further neither Kasuu nor Hattori disclose a cutting surface positioned such that upon movement of the moveable member, the single fiber is cut to form the first and second optical fibers having the first and second ends, respectively. In summary Kasuu and Hattori fail to suggest or disclose a single apparatus with the combination of limitations recited in claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

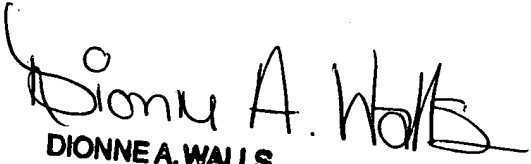
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Herring whose telephone number is 571-272-1094. The examiner can normally be reached on Mon-Fri. 7:30 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

L. Herring

  
**DIONNE A. WALLS**  
**PRIMARY EXAMINER**